



U.S. Department of Justice

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 12/26/19

*United States Attorney
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The Silvio J. Mollo Building
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New York, New York 10007

December 12, 2019

BY ECF

Hon. Gregory H. Woods
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMORANDUM ENDORSED

Re: *United States v. Eddy Gutierrez Tavarez,*
No. 15 Cr. 566 (GHW)

Dear Judge Woods:

The Government respectfully submits this letter in advance of the hearing in this above-referenced matter pertaining to a violation of supervised release, which is currently scheduled for December 13, 2019 at 4:00 p.m. As the Court might recall, the defendant's violation arose from the defendant's arrest for a state crime in Queens in July 2018, for which he was granted an adjournment in contemplation of dismissal. The defendant's term of supervised release subsequently expired on November 16, 2018.

Since the Court's last conference on the underlying violation, Immigration Judge Brigitte Laforest ordered the defendant's voluntary departure from the United States prior to September 12, 2019. A copy of that order, dated July 29, 2019, is attached. And the U.S. Probation Office recently has informed the Government that the defendant has voluntary deported the United States in compliance with that order.

The Government, with the consent of the U.S. Probation Office, requests that the Court grant the dismissal of the violation, in light of the defendant's deportation from the United States, and vacate the hearing scheduled for December 13. Given that the defendant has voluntarily deported consistent with an Immigration Judge's order, that the defendant's term of

Honorable Gregory Woods
December 12, 2019
Page 2 of 2

supervised release expired more than two years ago, and that the underlying conduct resulted in a state court dismissal, the Government submits that the interests of justice weigh in favor of dismissal of the violation.

Respectfully submitted,

GEOFFREY S. BERMAN
United States Attorney

By: _____ /s/
Eli J. Mark
Assistant United States Attorney
(212) 637-2431

cc: Michael Tremonte, Esq. (*via ECF*)
Counsel for Eddy Gutierrez Tavarez

Application granted. The violation is dismissed.

SO ORDERED.

Dated: December 26, 2019
New York, New York


GREGORY H. WOODS
United States District Judge